

| FOR STATE USE ONLY | |
|-------------------------|------|
| Received By | DATE |
| (For resident engineer) | |

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|--|------------------------------|--------------------------|------------------------------------|
| TO Pedro Sanchez (resident engineer) | CONTRACT NUMBER 04-0120E4 | DATE January 29, 2008 | IDENTIFICATION NUMBER 12-011408 |
|--|------------------------------|--------------------------|------------------------------------|

This is a Supplemental Notice of Potential Claim for additional compensation submitted as required under the provisions of Section 9-1.04, "Notice of Potential Claim," of the Standard Specifications. The act of the engineer, or his/her failure to act, or the event, thing, occurrence, or other cause giving rise to the potential claim occurred on: DATE

The particular nature and circumstances of this potential claim are described in detail as follows

See attached "NOPC 12-011408 -- Supplemental Notice of Potential Claim".

(attach additional sheets as needed)

The basis of this potential claim including all relevant contract provisions are listed as follows:

See attached "NOPC 12-011408 -- Supplemental Notice of Potential Claim".

(attach additional sheets as needed)

The estimated dollar cost of the potential claim including a description of how the estimate was derived and an itemized breakdown of individual costs are attached hereto.

See attached "NOPC 12-011408 -- Supplemental Notice of Potential Claim".

(attach sheets as required)

A time impact analysis of the disputed disruption has been performed and is attached hereto. The affect on the scheduled project completion date is as follows:

See attached "NOPC 12-011408 -- Supplemental Notice of Potential Claim".

The undersigned originator (Contractor or Subcontractor as appropriate) certifies that the above statements and attached documents are made in full cognizance of the California False Claims Act, Government Code sections 12650-12655. The undersigned further understands and agrees that this potential claim to be further considered, unless resolved, must fully conform to the requirements in Section 9-1.04 of the Standard Specifications and must be restated as a claim in the Contractors written statement of claims in conformance with Section 9-1.07B of the Standard Specifications.

Kien-Li/Fel/Manson ASV
SUBCONTRACTOR or CONTRACTOR
(Circle One)

(Authorized Representative)

For a subcontractor potential claim

This notice of potential claim is acknowledged, certified and forwarded by

PRIME CONTRACTOR

(Authorized Representative)

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NOPC 12-011408 -- Supplemental Notice of Potential Claim

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A. Nature and Circumstances of Dispute

Kiewit/FCI/Manson AJV ("KFM") has performed extra work at the State's direction to grind weld terminations at pile head connection plates to allow for additional inspection by the State. KFM has provided information to the State to enable a Contract Change Order for this work to be issued. No change order for this work has been issued.

The State directed that pile head connection plate weld terminations on Pier E2 and Pier T1 be ground smooth to facilitate inspection by State forces. Pending Contract Change Order No. 62 ("CCO 62") was identified by the State to compensate the KFM for this work. KFM performed this work in the field as directed. KFM has furnished a price proposal to the State for this work. A contract change order for this work has not been issued or approved by the Engineer.

KFM requests the Engineer issue a Contract Change Order for this work and provide immediate compensation to KFM.

B. Contract Basis of Claim

Imminent completion of all contract work by KFM and Contract Acceptance by the Department without an approved contract change order for this work gives rise to this NOPC at this time.

The work directed by the State is not included in the original contract scope of work and is a change under the contract consistent with Standard Specification 4-1.03D, "Extra Work". The State has indicated by its statement of intent to issue a contract change order that the directed work is extra work.

KFM performed the work as directed pending issue of a Contract Change Order. The work has been completed and accepted by the State. However, the subject work continues to not be incorporated into the contract as no contract change order has been issued or approved by the Engineer.

Following completion of the directed work, Contract Work on the project continued towards completion and Contract Acceptance without this change order being issued or becoming effective and incorporated into the contract.

Amended Standard Specification 9-1.07B, "Final Payment and Claims", fifth paragraph, notes that claims made in response to the Proposed Final Estimate following Contract Acceptance will not be considered if the Contractor did not first comply with applicable notice or protest requirements of the contract including 9-1.04 "Notice of Potential Claim".

As CCO 62 was not effective as of January 14, 2008, and could not be reasonably anticipated to be approved and effective by KFM's anticipated completion date of January 18, 2008, KFM has made a Notice of Potential Claim to allow for claims associated with this work in accordance with Amended Standard Specification 9-1.07B, "Final Payment and Claims".

C. Cost Estimate

KFM furnished to the State a cost proposal for this work. Compensation in the amount of \$18,038.94 has been agreed to by KFM and the State for this work.

D. Time Impact Analysis

KFM does not propose an adjustment to the contract time of performance as a result of this Notice of Potential Claim.

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